

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UHURU BARAKA ROWE,

Plaintiff,

v.

CASE NO. 3:19cv418

TRACY S. RAY, *et al.*,

Defendants.

NOTICE OF MOTION PURSUANT TO LOCAL RULE 7(K)

**TO: Uhuru Baraka Rowe, # 1131545
Greensville Correctional Center
901 Corrections Way
Jarratt, Virginia 23870**

PLEASE TAKE NOTICE that the Defendants have filed a Motion, which is attached to this Notice. In accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), and Local Rule 7(K), the Plaintiff is advised that he is entitled to file a response opposing this Motion by filing counter-affidavits, statements, exhibits or other legal or factual material that supports his position in the case. In addition to such material, the Plaintiff is entitled to file a legal brief in opposition to the one filed by the Defendant.

An affidavit is a sworn statement of facts made on personal knowledge, and affidavits may be submitted by the Plaintiff and any other witnesses. There are two alternative ways to submit an affidavit to the Court, one of which must be followed. One way is for the person making the affidavit to sign the affidavit and swear to its truth before a notary public. The other way, which does not require a notary public, is for the person making the affidavit to sign the affidavit and

certify that he signs under penalty of perjury and understands that he may be prosecuted if the facts he sets forth are untrue.

The Plaintiff must identify all facts stated by the Defendants with which the Plaintiff disagrees. In addition, the Plaintiff must set forth, either in his own affidavit or the affidavits of other witnesses, his version of the facts. The Plaintiff, in his affidavits and exhibits, should address himself as clearly as possible to the issues and facts stated in the complaint and in the motion filed by the Defendant.

The Plaintiff is further advised that if he does not submit any papers to the Court, and send a complete copy to counsel for the Defendants, within twenty-one (21) days of the date of this Notice, the Court will decide the motion on the papers already filed by the Plaintiff and the Defendants, including any affidavits and other papers submitted in conjunction with the Motion filed by the Defendants. The Court may then enter judgment for the Defendants.

Respectfully submitted,

TRACY S. RAY, T.L. BIRCKHEAD, B.
PERKINS, K. CLARK, MICHELLE
CARPENTER, NATASHA PERKERSON,
C. COLEMAN, L. SHAW, L. TAYLOR,
AND M. BRADLEY

By: s/Laura Maughan
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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to the following: n/a.

I also hereby certify that I have sent the document, postage prepaid, to the following non-CM/ECF user:

Uhuru Baraka Rowe, # 1131545
Greensville Correctional Center
901 Corrections Way
Jarratt, Virginia 23870

s/Laura Maughan
Laura Maughan, VSB #87798
Assistant Attorney General